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EXAMINER

UBER, NATHAN C

ART UNIT

PAPER NUMBER

4143

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,967	Applicant(s) KRATZENBERG, WOLFGANG	
	Examiner NATHAN C. UBER	Art Unit 4143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>16 September 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the national stage entry application filed on 16 September 2005.
2. Claims 1-18 are currently pending and have been examined.

Information Disclosure Statement

3. The Information Disclosure Statement filed on 16 September 2005 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Specification

4. The abstract of the disclosure is objected to because it exceeds the 150 word limit. Correction is required. See MPEP § 608.01(b).
5. The specification is objected to because it was not prepared in the proper format. The sections of the specification that are missing are outlined below.
 - (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
 - (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

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- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The above claims contain at least one of the following terms which were either ill-defined in the specification or were used inconsistently in the claims and as a result rendered the claims indefinite. For the purposes of this examination examiner interpreted each term as shown below.

- Passive identification = unique signals or codes are exchanged
- Interrogated = establishes a connection
- Outfitted = comprises
- Expertise = database
- Comparison device = software
- Device = this term was to refer to both software components and to hardware components, examiner interpreted this word as necessary for each claim as shown in the rejections to follow
- Contain = display

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- Relate = indicate
 - Interpolating device = software performing analysis
 - Machine knowledge = database
 - Surface (see claim 18) = electronic interface
8. The claims are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with idiomatic errors.
9. Regarding claim 1, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
10. Regarding claims 1, 4, 6-8, 10-11 and 17, the phrase "preferably" and "particularly" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
11. Claims 1-5, 7-10, 12-14, and 17-18 are replete with limitations lacking antecedent basis. The following is a list of limitations used repeatedly throughout the claims that lack antecedent basis:
- Sales area
 - Customers
 - Output or information
 - Entrance
 - Position
 - Associated sales shelf
 - Associated storage location
 - Identification
 - Shopping cart
 - Respective shopping cart
 - Respective shopping basket

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- Respective sales shelf
- Transponder
- Range
- Checkout
- Itemized goods
- Associated transmitter/receiver
- Buying desire
- Guidance program
- Customer's actual path
- Determined guidance program
- Area of interest
- Purchased items
- Times
- Role of client
- Store

Claim Rejections - 35 USC § 101

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8 and 11-17 are rejected under 35 U.S.C. 101 because the claims are directed to non-statutory subject matter.

Claim 8:

Claim 8 is not a statutory system claim because a system component is not claimed. The claims recites *an advertisement... is displayed...* The claim resembles a method or process claim, but in the context of a system the claim lacks structure. The content of this

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claim is non-functional descriptive material, which is not statutory subject matter under 35 U.S.C. 101. See MPEP 2106.01 for further clarification.

Claims 11-17:

Claims 11-17 are not statutory system claims because a system component is not claimed. Although the claims all claim a *device* of some sort, here examiner interpreted the word device in light of the specification and the rest of the claims to mean a computer program. Claims 11-16 recite *the central computer is outfitted with a device* of some kind, the claim continues to explain what the *device* does. Claim 17 claims that the *device* is *in the central computer* and continues to explain what the device does. For the reasons mentioned above regarding claim 8, what the device does is not patentable in the context of a system claim. However in the regarding claims 11-16, the non-functional material in the claim support the interpretation that the *device* of the claims is in fact a computer program. Computer programs are algorithms and are not statutory; however computer programs that are tangibly embodied on a computer readable medium may be claimed as a product claim. Here the claims recite a program as a component of a system and such a claim is not statutory under 35 U.S.C. 101.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.
16. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeTemple et al. (U.S. 5,572,653) in view of O'Hagan et al. (U.S. 5,821,513).

Claim 1:

DeTemple, as shown, discloses the following limitations:

- *in which a plurality of information output devices, particularly display panels, which are arranged so as to be distributed over the sales area for outputting information directed to the customers (see at least figure 2, and its description),*
- *and at least one central computer are provided (see at least column 3, lines 3-5)*
- *wherein the central computer controls the output of information, particularly advertising information, by means of the information output devices, for example, display panels (see at least column 3, lines 3-5),*

Although DeTemple teaches a transmitter/transceiver/receiver unit mounted on shopping carts that can communicate to the central computer using unique identification, DeTemple does not teach a touch screen device, nor does DeTemple teach a device at the entrance to the sales area allowing a customer to designate items of interest as

claimed in the limitations below. However, O'Hagan, as shown, teaches a touch screen device that allows the customer to designate items of interest:

- *characterized in that at least one device containing a touch screen is arranged at the entrance to the sales area in order to allow the customer to designate at least one desired good or group of goods in a machine-readable manner and at the same time, to request help in finding the position of the associated sales shelf or the associated storage location (see at least column 13, lines 24-30, note that the "customer terminal" is operated by a touch screen see column 4, lines 56-60, see also figure 17),*
- *the device containing the touch screen is outfitted with an interrogating device which is formed by a transmitter/receiver unit for reading into and conveying to the central computer the identification of the shopping cart or shopping basket that is carried by the customer operating the touch screen as a temporary identity (see at least column 4, lines 60-61)*

Although the O'Hagan invention discloses a touch screen terminal that is mounted on shopping carts and not at the entrance to the sales area, it would have been obvious to one of ordinary skill in the art at the time of the invention to position the touch screen device at the entrance of the store rather than on a shopping cart because this will save the store from the expense of buying a device for each cart and it will save space in the cart; both are particularly attractive because not every customer is likely to need or desire to use the device. Further it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the robust product information organization and presentation features of the O'Hagan invention with the distributed display panel and up-to-the minute product price information system of DeTemple because both systems operate in the same manner (supported by central computers that distribute and collect information via transceivers throughout the sales area) and integrating the features of one system into the other system would improve the overall

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functionality and benefit of the system to the customer and the store but would not require significant changes to either system. Adding the O'Hagen features to the DeTemple system allows a customer to indicate products of interest or query products of interest, or identify oneself to the system which would bolster the customer traffic/buying pattern tracking feature of DeTemple by compiling the customer demographic data and objective data (customer indicates interest in product A, goes to where product A is stored, but selects product B based on an ad for product B in the area) with the basic customer tracking data in real time while the customer is shopping rather than after the customer identifies himself at the POS as contemplated in DeTemple (see column 8, lines 20-29).

DeTemple, as shown, further discloses the following limitations:

- *every shopping cart and every shopping basket is provided with a passive identification which can be interrogated and which form a temporary identity (see at least column 7, lines 55-58),*
- *a plurality of interrogating devices each formed by a transmitter/receiver unit are arranged so as to be distributed over the sales area for detecting and reporting on the identification and temporary identity of the respective shopping cart or the respective shopping basket passing through their area (see at least column 7, lines 48-55, "transceiver grid"),*
- *at least some of the interrogating devices formed by a transmitter/receiver unit are arranged at one of the information output devices, particularly display panels, and (see at least figure 2),*
- *some of the transmitting/receiver units are arranged at the respective sales shelf (see at least figure 2),*
- *all interrogating devices and all information output devices, particularly display panels, that are formed by a transmitter/receiver unit, are connected to a central computer (see at least the abstract of the disclosure),*

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- *the central computer is outfitted with expertise, particularly self learning machine knowledge, suitable for customer assistance (see at least column 7, lines 62-65, “[c]ombining this information with the POS data it is possible to know what path was taken in the store, the products purchased, and in some cases the name of the customer” see also Column 8, lines 30-35 “the system also includes software at the store platform computer... to sort combine, and manipulate the data contained in the time and space and the demographic and purchase files and to store and/or print the results” this computer aided self learning addresses the problem mentioned in the background re: determining shopping habits column 2, lines 54-63),*

DeTemple does not disclose utilizing the display panels to display route or guide information as in the limitation below, however the display device of O'Hagan does disclose providing route or guide information to the customer using it's display device. as shown:

- *the information output devices, particularly display panels, at least areas thereof are dedicated to outputting or displaying guide information or route information for the customer (see at least column 13, lines 49-51),*

It would have been obvious to one having ordinary skill in the art at the time the invention was made to retain the customer guidance feature of O'Hagan when combining the O'Hagan invention with the DeTemple invention as discussed above because the map/directional feature of O'Hagan may be of great assistance to a customer and presents an opportunity for the store to receive direct input from a customer about what products the customer is interested in.

Claim 2:

The combination of DeTemple/O'Hagan discloses the limitations as shown in the rejections above. Furthermore, DeTemple, as shown, also discloses the following limitation:

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- *characterized in that every shopping cart and every shopping basket is outfitted with a transponder which sends an unmistakable identification specifically associated with the shopping cart and shopping basket (see at least column 7, lines 55-58).*

Claim 3:

The combination of DeTemple/O'Hagan discloses the limitations as shown in the rejections above. Furthermore, DeTemple, as shown, also discloses the following limitation:

- *characterized in that a transmitter/receiver unit which interrogates the identification or temporary identity of the transponder arriving in its range and transmits this to the central computer is associated at least with every information output device (see at least figure 2).*

Claim 4:

The combination of DeTemple/O'Hagan discloses the limitations as shown in the rejections above. Furthermore, DeTemple, as shown, also discloses the following limitation:

- *characterized in that a transmitter/receiver unit is associated at least with every sales shelf, preferably with every group of goods located in a sales shelf, which transmitter/receiver unit interrogates the identification or temporary identity of the shopping carts or shopping baskets entering its range and particularly the transponder arranged at the shopping cart or shopping basket, and transmits this to the central computer (see at least figure 2).*

Claim 5:

The combination of DeTemple/O'Hagan discloses the limitations as shown in the rejections above. Furthermore, DeTemple, as shown, also discloses the following limitation:

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- *characterized in that a transmitter/receiver unit for interrogating the transponder of shopping carts or shopping baskets which arrives in the range of the transmitter/receiver unit or in the range of the checkout is associated with every checkout, which transmitter/receiver unit interrogates the identification or temporary identity of the transponder arriving in its range and transmits this to the central computer together with the itemized goods (see at least column 7, lines 59-62).*

Claim 6:

The combination of DeTemple/O'Hagan discloses the limitations as shown in the rejections above. DeTemple does not disclose utilizing the display panels to display route or guide information as in the limitation below, however O'Hagan as shown, does:

- *characterized in that the display panels forming the information output devices contain directional information displays, particularly word reproductions and directional arrows, which relate to goods and which are controlled by the central computer (see at least column 13, lines 49-51),*

It would have been obvious to one having ordinary skill in the art at the time the invention was made to retain the customer guidance feature of O'Hagan when combining the O'Hagan invention with the DeTemple invention as discussed above because the map/directional feature of O'Hagan may be of great assistance to a customer and presents an opportunity for the store to receive direct input from a customer about what products the customer is interested in.

Claim 7:

The combination of DeTemple/O'Hagan discloses the limitations as shown in the rejections above. Furthermore, DeTemple, as shown, also discloses the following limitation:

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- *characterized in that the information output devices are formed by illuminated panels which are controlled by the central computer so as to display advertising notices (see at least column 10, line 10-14),*

DeTemple does not disclose utilizing the display panels to display route or guide information as in the limitation below, however O'Hagan, as shown, does:

- *until a shopping cart or shopping basket whose identification or temporary identity makes it necessary to provide, customer information, particularly directional information, arrives in the range of the associated transmitting/receiver unit that is suitable for interrogating the identification (see at least column 13, line 49-51),*

It would have been obvious to one having ordinary skill in the art at the time the invention was made not only to retain the customer guidance feature of O'Hagan when combining the O'Hagan invention with the DeTemple invention as discussed above but also to integrate the guidance features into the display devices positioned throughout the store because the map/directional feature of O'Hagan may be of great assistance to a customer and such a combination uses display devices that are not attached to the cart thus saving space in the cart and further since many customers may not use this feature of the invention, the system will not interfere with their shopping routine.

Claim 8:

The combination of DeTemple/O'Hagan discloses the limitations as shown in the rejections above. Furthermore, DeTemple, as shown, also discloses the following limitations:

- *characterized in that, at least preferably, an advertisement relating to a product desired by the customer or to the product group desired by the customer is displayed on the display panels forming the information output devices (see at least column 10, lines 10-14),*

- *in connection with directional information for the customer (see at least column 10, line 10-14).*

Claim 9:

The combination of DeTemple/O'Hagan discloses the limitations as shown in the rejections above. DeTemple does not disclose the following limitations, however O'Hagan, as shown, does:

- *characterized in that the central computer is outfitted with a device for storing and linking the buying desire entered on the touch screen by the customer and the temporary identity of the customer given by the transponder of the shopping cart or shopping basket carried by the customer (see at least figure 7, customer identifies herself to the system, figure 14 and column 10, lines 43-48, the all of the data is stored by a server or central computer, the LCD device and transmitter/receiver is just a conduit for the customer to interact with the server),*
- *and in that the central computer is further outfitted with a device for generating a guidance program and for controlling the displays on the information output devices, which displays are required for handling the guidance program (see at least column 13, lines 45-51).*

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the above features of the O'Hagan invention with the implementation of the DeTemple invention because the map/directional features of O'Hagan may be of great assistance to a customer and such a combination uses display devices that are not attached to the cart thus saving space in the cart and further since many customers may not use this feature of the invention, the system will not interfere with their shopping routine.

Claim 10:

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The combination of DeTemple/O'Hagan discloses the limitations as shown in the rejections above. Furthermore the combination of DeTemple/O'Hagan, as shown, also discloses the following limitation:

- *characterized in that the central computer is outfitted with a comparison device which compares the guidance program prepared on the basis of the request entered by the customer (see at least column 13, lines 45-51 or O'Hagan) to the customer's actual path through the sales area (see at least columns 7 and 8 of DeTemple describing the tracking and storage of the customer movement in the store) and,*

DeTemple/O'Hagan do not disclose the following limitations:

- *if required, i.e., in the event that the path of the customer deviates from the determined guidance program, generates the display of correction instructions, particularly detour instructions, on the information output devices located in the estimated continued path of the customer,*

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the tracking and mapping features of DeTemple and O'Hagan (respectively) and to compare any differences as suggested in the above limitations because the combination of the two inventions yields a less obtrusive device and should at least contain all of the features of the respective inventions, further given an opportunity to monitor actual customer behavior (tracking) against theoretical customer behavior (mapping) such information will provide store managers with a better understanding how customers prefer to navigate stores and this will enable them to optimize advertisement displays or enhance or improve the mapping features.

Claim 11:

The combination of DeTemple/O'Hagan discloses the limitations as shown in the rejections above. Furthermore, DeTemple, as shown, also discloses the following limitation:

- *characterized in that the central computer is outfitted with a device that provides expertise with respect to related groups of goods, particularly of accessory goods appropriate for a principal good (see at least column 10, line 10-14).*

Claim 12:

The combination of DeTemple/O'Hagan discloses the limitations as shown in the rejections above. Furthermore, O'Hagan, as shown, also discloses the following limitation:

- *characterized in that the central computer is outfitted with expertise with respect to a general purchasing behavior of customers and a linking device for preparing a guidance program which takes into account suitable, possibly comparable groups of goods or goods empirically found to lie within the area of interest of a customer interested in a first good or group of goods (see at least figure 17).*

Further it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the robust product information organization and presentation features of the O'Hagan invention with the distributed display panel and up-to-the minute product price information system of DeTemple because both systems operate in the same manner (supported by central computers that distribute and collect information via transceivers throughout the sales area) and integrating the features of one system into the other system would improve the overall functionality and benefit of the system to the customer and the store but would not require significant changes to either system.

Claim 13:

The combination of DeTemple/O'Hagan discloses the limitations as shown in the rejections above. Furthermore the combination of DeTemple/O'Hagan, as shown, also discloses the following limitation:

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O'Hagan teaches the following limitation:

- *characterized in that the central computer is outfitted with a device for documenting the buying desire that is entered, for tracking (see at least figure 17),*

DeTemple teaches the following limitation:

- *and for detecting the purchased items of every customer that can be identified by a transponder (see at least column 9, lines 24-30).*

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the two inventions in this matter thus having a computer store both customer desire information and customer tracking information because combining the two inventions as discussed in the rejections above present an array of useful benefits, further in each invention the central computer already completes the functions disclosed in the limitations above, so in combining the inventions it would be extremely efficient to have once central computer system facilitate both storage tasks.

Claim 14:

The combination of DeTemple/O'Hagan discloses the limitations as shown in the rejections above. Furthermore, DeTemple, as shown, also discloses the following limitation:

- *characterized in that the central computer is outfitted with an interpolating device for determining a characteristic customer behavior which deviates at least partially in relation to the buying desire that is originally entered (see at least column 9, lines 42-45).*

Claim 15:

The combination of DeTemple/O'Hagan discloses the limitations as shown in the rejections above. Furthermore, DeTemple, as shown, also discloses the following limitation:

- *characterized in that the central computer is outfitted with additional devices for statistical evaluation of more or less typical customer behaviors* (see at least column 7, lines 62-65, “[c]ombining this information with the POS data it is possible to know what path was taken in the store, the products purchased, and in some cases the name of the customer” see also Column 8, lines 30-35 “the system also includes software at the store platform computer... to sort combine, and manipulate the data contained in the time and space and the demographic and purchase files and to store and/or print the results” this computer aided *self learning* addresses the problem mentioned in the background re: determining shopping habits column 2, lines 54-63).

Claim 16:

The combination of DeTemple/O'Hagan discloses the limitations as shown in the rejections above. Furthermore, DeTemple, as shown, also discloses the following limitation:

- *characterized in that the central computer is outfitted with additional devices for preparing a machine knowledge in a self-learning manner* (see at least column 7, lines 62-65, “[c]ombining this information with the POS data it is possible to know what path was taken in the store, the products purchased, and in some cases the name of the customer” see also Column 8, lines 30-35 “the system also includes software at the store platform computer... to sort combine, and manipulate the data contained in the time and space and the demographic and purchase files and to store and/or print the results” this computer aided *self learning* addresses the problem mentioned in the background re: determining shopping habits column 2, lines 54-63).

Claim 17:

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The combination of DeTemple/O'Hagan discloses the limitations as shown in the rejections above. Furthermore, DeTemple, as shown, also discloses the following limitation:

- *characterized in that a device is provided in the central computer which records the times during which the information output devices, particularly display panels, are occupied by a standardized or general advertising display for a specific advertiser in the role of client of the store and sums them for subsequent accounting (see at least column 10, lines 10-14, "advertising mechanisms").*

Claim 18:

The combination of DeTemple/O'Hagan discloses the limitations as shown in the rejections above. Furthermore, O'Hagan, as shown, also discloses the following limitation:

- *characterized in that the touch screens arranged at the entrance or entrances to the sales area each have a surface which is divided into groups of goods and which is switched to a second surface when a group of goods is typed in, which second surface shows in detail all goods of the selected group of goods, and it is accordingly possible for the customer to enter specific goods in a simple manner (see at least figure 17).*

Although the O'Hagan invention discloses a touch screen terminal that is mounted on shopping carts and not at the entrance to the sales area, it would have been obvious to one of ordinary skill in the art at the time of the invention to position the touch screen device at the entrance of the store rather than on a shopping cart because this will save the store from the expense of buying a device for each cart and it will save space in the cart; both are particularly attractive because not every customer is likely to need or desire to use the device. Further it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the robust product information organization and

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presentation features of the O'Hagan invention with the distributed display panel and up-to-the minute product price information system of DeTemple because both systems operate in the same manner (supported by central computers that distribute and collect information via transceivers throughout the sales area) and integrating the features of one system into the other system would improve the overall functionality and benefit of the system to the customer and the store but would not require significant changes to either system.

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Conclusion

17. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nathan C Uber** whose telephone number is **571.270.3923**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James A Reagan** can be reached at **571.270.6710**.
18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).
19. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to **571-273-8300**.

20. Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

/Nathan C Uber/ Examiner, Art Unit 4143

31 January 2008

/James A. Reagan/Supervisory Patent Examiner, Art Unit 4143